

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

---

**EIGHTEENTH LEGISLATIVE DAY  
THURSDAY, JANUARY 24, 2008**

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 10:30 a.m.

Roll call showed all members present except Senator Stennett, absent and formally excused by the Chair; and Senators Gannon, Kelly, and Pearce, absent and excused.

Prayer was offered by Chaplain Goebel.

The Pledge of Allegiance was led by Richard Henke, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

Senator Kelly was recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of January 23, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

Senator Gannon was recorded present at this order of business.

January 24, 2008

The JUDICIARY AND RULES Committee reports that **S 1337, S 1338, and SJM 108** have been correctly printed.

DARRINGTON, Chairman

**S 1337** was referred to the Local Government and Taxation Committee

**S 1338** was referred to the State Affairs Committee.

**SJM 108** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

January 24, 2008

The JUDICIARY AND RULES Committee reports out **S 1246, S 1247, S 1248, S 1288, S 1270, S 1271, and S 1272** with the recommendation that they do pass.

DARRINGTON, Chairman

**S 1246, S 1247, S 1248, S 1288, S 1270, S 1271, and S 1272** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

January 24, 2008

Mr. President:

I transmit herewith **H 373, H 374, H 340, H 341, and H 342**, which have passed the House.

ALEXANDER, Chief Clerk

**H 373, H 374, H 340, H 341, and H 342** were filed for first reading.

The Senate advanced to the Tenth Order of Business.

### Motions and Resolutions

President Risch assumed the Chair.

Senator Stennett was recorded present at this order of business.

The President announced the Health and Welfare Committee report relative to the Gubernatorial appointments of Richard Roberge and Darrell Kerby was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator McGee, seconded by Senator Langhorst, the Gubernatorial appointment of Richard Roberge as a member of the State Board of Health and Welfare was confirmed by voice vote.

On motion by Senator Keough, seconded by Senator Werk, the Gubernatorial appointment of Darrell Kerby as a member of the State Board of Health and Welfare was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate.

The President announced the Health and Welfare Committee report relative to the Gubernatorial appointments of Quane Kenyon and Stephen Weeg was before the Senate for final consideration, the question being, "Shall the report be adopted?"

On motion by Senator Lodge, seconded by Senator Kelly, the Gubernatorial appointment of Quane Kenyon as a member of the State Board of Health and Welfare was confirmed by voice vote.

On motion by Senator Bilyeu, seconded by Senator McGee, the Gubernatorial appointment of Stephen Weeg as a member of the State Board of Health and Welfare was confirmed by voice vote.

The President declared the report adopted and directed the Secretary of the Senate to prepare letters of the Gubernatorial appointment confirmations for his signature, attested to by the Secretary, to be transmitted to the Governor informing him of the action of the Senate

The Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading and Reference of Bills,  
House Petitions, Resolutions, and Memorials**

**S 1339**

**BY JUDICIARY AND RULES COMMITTEE**

**AN ACT**

RELATING TO MISUSE OF PUBLIC FUNDS; AMENDING SECTION 18-5702, IDAHO CODE, AS AMENDED BY SECTION 2, S 1275, AS ENACTED BY THE SECOND REGULAR SESSION OF THE FIFTY-NINTH IDAHO LEGISLATURE, TO PROVIDE THAT UNDER CERTAIN CIRCUMSTANCES PUBLIC OFFICERS AND PUBLIC EMPLOYEES FOUND GUILTY OF MISUSE OF PUBLIC MONEYS MAY BE ORDERED TO CASH IN RETIREMENT MONEYS IN ORDER TO MAKE RESTITUTION; AND DECLARING AN EMERGENCY.

**S 1340**

**BY HEALTH AND WELFARE COMMITTEE**

**AN ACT**

RELATING TO MEDICAID; AMENDING SECTION 56-209h, IDAHO CODE, TO REVISE DEFINITIONS, TO DEFINE ADDITIONAL TERMS, TO PROVIDE FOR DOCUMENTATION RETENTION FOR A SPECIFIED TIME PERIOD, TO PROVIDE FOR RECOVERY BY THE DEPARTMENT OF HEALTH AND WELFARE OF PAYMENTS MADE UNDER ANY PUBLIC ASSISTANCE CONTRACT OR PROVIDER AGREEMENT, TO REVISE GROUNDS UPON WHICH THE DEPARTMENT MAY TAKE CERTAIN ACTIONS, TO PROVIDE FOR EXCLUSION FROM PROGRAM PARTICIPATION AS A MEDICAID PROVIDER, TO PROVIDE FOR SANCTIONS FOR INTENTIONAL PROGRAM VIOLATIONS AND TO PROVIDE AN OPPORTUNITY TO APPEAL.

**S 1341**

**BY HEALTH AND WELFARE COMMITTEE**

**AN ACT**

RELATING TO PUBLIC ASSISTANCE FRAUD; AMENDING SECTION 56-227, IDAHO CODE, TO REVISE A TERM AND

ITS SCOPE, TO PROVIDE FOR THE ESTABLISHMENT OF A FRAUD CONTROL PROGRAM IN THE DEPARTMENT OF HEALTH AND WELFARE AND TO PROVIDE FOR ITS AUTHORITY AND TO MAKE TECHNICAL CORRECTIONS.

**S 1342**

**BY HEALTH AND WELFARE COMMITTEE**

**AN ACT**

RELATING TO MARRIAGE; AMENDING SECTION 32-303, IDAHO CODE, TO REVISE WHO MAY SOLEMNIZE MARRIAGE, TO DESIGNATE ADDITIONAL INDIVIDUALS AUTHORIZED TO SOLEMNIZE MARRIAGE AND TO PROVIDE THAT CERTAIN RETIRED JUDGES MUST BE RECEIVING A BENEFIT FROM DESIGNATED RETIREMENT SYSTEMS FOR SERVICE IN THE IDAHO JUDICIARY.

**S 1343**

**BY HEALTH AND WELFARE COMMITTEE**

**AN ACT**

RELATING TO CHILD SUPPORT; AMENDING SECTION 32-706, IDAHO CODE, TO PROVIDE FOR CODE REFERENCES; AMENDING SECTION 32-1214A, IDAHO CODE, TO REVISE LEGISLATIVE PURPOSE; AND AMENDING SECTION 32-1214B, IDAHO CODE, TO DEFINE A TERM.

**S 1344**

**BY HEALTH AND WELFARE COMMITTEE**

**AN ACT**

RELATING TO INSURANCE; AMENDING CHAPTER 3, TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 41-318, IDAHO CODE, TO PROVIDE FOR SPECIFIC COOPERATION WITH THE DEPARTMENT OF HEALTH AND WELFARE BY SPECIFIED INSURERS AS A CONDITION FOR DOING BUSINESS IN THE STATE AND TO PROVIDE A PENALTY FOR FAILURE TO COOPERATE.

**S 1345**

**BY HEALTH AND WELFARE COMMITTEE**

**AN ACT**

RELATING TO MEDICAL ASSISTANCE; AMENDING SECTION 56-209B, IDAHO CODE, TO PROVIDE FOR PRIOR PARTICIPATION AND EXPRESS CONSENT BY THE DEPARTMENT OF HEALTH AND WELFARE FOR CERTAIN CLAIM SETTLEMENTS BY A MEDICAL ASSISTANCE RECIPIENT AND TO PROVIDE THAT CERTAIN SETTLEMENTS OR JUDGMENTS GIVE PRIORITY FIRST TO MEDICAL EXPENSES INCURRED BY THE RECIPIENT IN AN AMOUNT EQUAL TO SPECIFIED EXPENDITURES PAID BY THE DEPARTMENT.

**S 1339, S 1340, S 1341, S 1342, S1343, S1344, and S1345** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 373 and H 374**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

**H 340, H 341, and H 342**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

**S 1276**, by Agricultural Affairs Committee, was read the second time at length and filed for third reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

**Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 11 a.m. until the hour of 11:30 a.m., Friday, January 25, 2008.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary